

## **REMARKS**

Claims 1-39 are pending in the application. Claims 10-16 and 23-39 have been withdrawn. Claims 1-9 and 17-22 stand rejected. Claims 1, 4 and 5 have been amended. In light of the following, claims 1-9 and 17-22 are in condition for allowance. If, after considering this response, the Examiner does not agree that all of the claims are allowable, he is requested to schedule a teleconference with the Applicant's attorney to further the prosecution of the application.

### **Rejection of Claims 4 and 5 under 35 U.S.C. §112, Second Paragraph**

#### **Claim 4**

The Examiner states that the term "ends" in claim 4 is indefinite. However, as clearly shown in attached FIGS. 10 and 12, the insulation region (6 in FIG. 10; 6a in FIG. 12) has an arched shape with ends (red highlight) terminating on a through trench (21; yellow highlight).

The Examiner also states that claim 4 would be allowable if rewritten to include all limitations of the base claim and any intervening claims. Claim 4 has been rewritten in independent form and is therefore allowable.

#### **Claim 5**

The Examiner states that the term "respective end" in claim 5 is indefinite. Claim 5 has been amended to overcome this rejection.

The Examiner also states that claim 5 would be allowable if rewritten to include all limitations of the base claim and any intervening claims. Claim 5 has been rewritten in independent form and is therefore allowable.

### **Rejection of Claims 1-3, 6-7, 9 and 17-19 under 35 U.S.C. §102(e) as being anticipated by Brosnihan et al. (US 6,960,488)**

The Applicant's attorney respectfully points out that Brosnihan does not qualify as 102(b) prior art because Brosnihan was published on July 29, 2004, which is well after the present application's filing date of June 20, 2003.

### **Claim 1**

Claim 1, as amended, recites a micro-electro-mechanical device, characterized by a body of only semiconductor material having a thickness and defining a fixed part, said fixed part comprising an insulation region of insulating material extending through the entire thickness of said body.

For example, referring, e.g., to FIGS. 9 and 12 of the present application, a micro-electro-mechanical device (20) is characterized by a body (30, 3) of only semiconductor material having a thickness and defining a fixed part, the fixed part comprising an insulation region (6) of insulating material extending through the entire thickness of the body. It should be noted that the entire fixed part of the micro-electro-mechanical device (20) is defined by a body (30, 3) of only semiconductor material, and that the insulation region (6) extends through the entire thickness of the fixed part of the micro-electro-mechanical device.

Brosnihan, on the other hand, does not disclose a micro-electro-mechanical device, characterized by a body of only semiconductor material having a thickness and defining a fixed part, said fixed part comprising an insulation region of insulating material extending through the entire thickness of said body. Instead, Brosnihan discloses a fixed part of a micro-electro-mechanical device (10) that is defined by a device layer (48), a sacrificial layer (46), and a handle layer (44). Because this fixed part (48, 46, 44) is a silicon-on-insulator (SOI) body having an intermediate oxide layer (46), the SOI body of Brosnihan is not formed only of semiconductor material. Furthermore, the insulation region (64, 66) does not extend through the entire thickness of the SOI body (48, 46, 44) of Brosnihan. Instead, the insulation region (64, 66) only extends through an upper portion (48) of the SOI body (48, 46, 44) that defines the fixed part of Brosnihan. Therefore, Brosnihan does not satisfy the limitations of amended claim 1.

### **Claims 2-3, 6-7 and 9**

Claims 2-3, 6-7 and 9 are patentable by virtue of their dependencies from independent claim 1.

### **Claim 17**

Claim 17 recites a micro-electro-mechanical device comprising a fixed portion having a thickness, and a region of insulating material extending through the thickness of the fixed portion.

Claim 17 is patentable for reasons similar to those discussed above in support of the patentability of claim 1.

### **Claims 18-19**

Claims 18-19 are patentable by virtue of their dependencies from independent claim 17.

### **Rejection of Claims 8 and 20-22 under 35 U.S.C. §102(e) as being anticipated by Brosnihan or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Brosnihan**

### **Claims 8 and 20**

Claims 8 and 20 are patentable by virtue of their respective dependencies from independent claims 1 and 17.

### **Claims 21-22**

Claims 21-22 are patentable for reasons similar to those discussed above in support of the patentability of claim 17.

### **CONCLUSION**

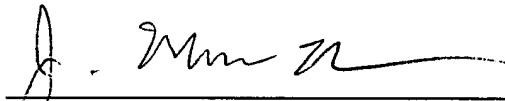
In view of the foregoing, claims 1-9 and 17-22 are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If, after considering this response, the Examiner does not agree that claims 1-9 and 17-22 are allowable, then it is respectfully requested that the Examiner schedule a phone interview with the Applicant's attorney at (425) 455-5575.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "J. Mark Han", is written over a horizontal line.

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